Response to Objections to the Specification and Drawings made in paragraphs numbered 5, 6 and 7

With regard to the objection made in paragraph number 5 of the Office Action, Applicant will submit new replacement sheets that marked "REPLACEMENT SHEET" as required under the new, revised practice after the drawing issues discussed below are resolved.

With regard to the objection made in paragraph number 6 of the Office Action, Applicant submits that a topsheet is shown as item number **22** in Figures 1 and 2, a backsheet is shown as item number **20** in Figures 1 and 2. With regard to the laminate recited in Claims 23 and 24, Applicant submits that illustration of laminate is not necessary because laminates are known and illustration of the layers of a laminate is not necessarily required. Applicant also sumbit that the layers of laminate may not be readily visible to an observer. Applicant respectfully submits that a detailed illustration of a laminate is that is not essential for a proper understanding of the invention as described in MPEP § 608.02(d) and 37 CFR 183(a).

With regard to the objection made in paragraph number 7 of the Office Action, Applicant hereby submits new replacement sheets that now include and illustrate other sections of a diaper as requested by the Examiner. Amendments to the Drawings are included as REPLACEMENT DRAWINGS showing suggested changes in red and are attached as an Appendix following page 11 of this paper. After approval of the changes in the annotated sheets by the Examiner, formal replacement drawings will be submitted.

Response to Objections to the Specification made in paragraphs numbered 8, 9 and 10 of the Office Action

With regard to the objection made in paragraph number 8 of the Office Action, Applicant hereby amends the specification to correct errors known to Applicant.

With regard to the objection made in paragraph number 9 of the Office Action, Applicant hereby amends the Abstract in this Office Action. Applicant submits that the new amended Abstract is in proper form.

With regard to the objections made in paragraph number 10 of the Office Action, Applicant hereby amends the disclosure in this Office Action to remove or correct the noted informalities.

Response to Objections to the Claims made in paragraph numbered 11

With regard to the objection made in paragraph number 11 of the Office Action, Applicant hereby amends the claims to correct or remove the noted informalities.

Response to Rejections under 35 U.S.C. § 103 made in paragraphs numbered 13, 14 and 15

Claims 17-19, 21, 23 and 26 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent no. 5,527,300 to Sauer (hereinafter Sauer) in view of U.S. Patent No. 5,575,785 to Grykiewicz et al. (hereinafter Grykiewicz).

Claim 17 as amended relates to a composite that comprises at least one undulation of resilient material and a surge management layer. Sauer does not disclose a composite that includes both a surge management layer and at least one undulation of resilient material. The undulating structure dislcosed by Sauer is the surge management portion **46** of a composite (col. 15, lines 50-60). Thus, Sauer does not disclose a composite that includes both a surge management layer and at least one undulation of resilient material. Although Grykiewicz describes breathable backsheets, Grykiewicz fails to disclose a composite that includes both a surge management layer and at least

one undulation of resilient material. Accordingly, Applicant submits that the rejection of Claim 17 and dependent Claims 18, 19, 21, 23 and 26 is improper and should be withdrawn.

Claims 24-25 stand rejected under 35 U.S.C. §103(a) as unpatentable over Sauer in view of Grykiewicz as applied above and further in view of U.S. Patent No. 5,879,341 to Odorzynski et al. (hereinafter Odorzynski). Applicants submit that Sauer in view of Grykiewicz and further in view of Odorzynski fails to disclose the presently claimed invention for the reasons stated above.

New dependent Claims 34 and 35 also relate to a composite that comprises at least one undulation of resilient material and a surge management layer. Accordingly, Applicant submits that new dependent Claims 34 and 35 are also novel and patentable.

New Claim 31 recites that the at least one undulation that is located between said surge management layer and said topsheet. Sauer does not disclose a composite that includes at least one undulation of resilient material and a surge management layer and certainly does not disclose, teach or suggest at least one undulation of resilient material located between a surge management layer and a topsheet. The undulating structure dislcosed by Sauer is the surge management portion **46** of a composite (col. 15, lines 50-60). Thus, Sauer does not disclose a composite that includes at least one undulation of resilient material located between a surge management layer and a topsheet. Grykiewicz also fails to disclose a composite that includes at least one undulation of resilient material located between a surge management layer and a topsheet. Accordingly, Applicant submits that Claim 31 is novel and patentable.

New dependent Claims 32 and 33, independent Claim 40, and Claims 41-45 that depend from Claim 40 relate to a composite that includes at least one undulation of a resilient material that does not readily absorb fluids and does not absorb fluids. Sauer does not disclose at least one undulation of a resilient material that does not readily absorb fluids. The undulating structure dislcosed by Sauer is a porous, liquid-permeable layer that can improve the overall liquid intake of a composite absorbent structure by quickly collecting and temporarily holding a liquid surge to transport the liquid from its initial entrance point to other parts of the absorbent structure, for example a liquid retention or absorbent portion (col. 15, lines 50-60) located below the undulating structure. The unduilating structure, i.e. the surge management portion **46**, described by Sauer temporarily holds a liquid surge before releasing the liquid surge to other parts of the absorbent structure (col. 15, lines 55-60). Thus, liquids are collected and then released by the surge management portion **46** (col. 16, 38-39). Thus, Sauer does not disclose a composite that includes at least one undulation that does not readily absorb fluids. Grykiewicz also fails to disclose a composite that includes at least one undulation that does not readily absorb fluids. Accordingly, Applicant submits that Claims 32, 33, 40, and 41-45 are also novel and patentable.

New dependent Claims 36, 38 and 42, independent Claim 46 and Claims 47-50 that depend from Claim 46 relate to a composite that includes at least one undulation that provides for the movement of a fluid away from a region of the composite in a longitudial direction or a lateral direction. Sauer does not disclose at least one undulation of resilient material that provides for the movement of a fluid away from a region of the composite in a longitudial direction or a lateral direction. The undulating structure dislcosed by Sauer is a porous, liquid-permeable layer that collects and temporarily holds a liquid surge and then transports the liquid surge from its initial

entrance point to other parts of the absorbent structure below the undualting sturcture, for example a liquid retention or absorbent portion located below the undulating structure (col. 15, lines 50-60). The unduilating structure, i.e. the surge management portion **46**, described by Sauer provides for the movement of fluid in a vertical direction. Thus, Sauer does not disclose a composite that includes at least one undulation that provides for the movement of a fluid away from a region of the composite in a longitudial direction or a lateral direction. Grykiewicz also fails to disclose at least one undulation that provides for the movement of a fluid away from a region of the composite in a longitudial direction or a lateral direction. Accordingly, Applicant submits that Claims 36, 38, 42, 46 and 47-50 are also novel and patentable.

The undersigned may be reached at: (770) 587-8620.

Respectfully submitted,

WULZ ET AL.

By: _____
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Registration No.: 42,776

CERTIFICATE OF MAILING

I, Christos S. Kyriakou, hereby certify that on Feb. 23, 2004 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: _____
Christos S. Kyriakou

OIPE JC67
FEB 27 2004
PATENT & TRADEMARK OFFICE

REPLACEMENT DRAWINGS

"An Absorbent Article Having An Insert Providing
for Improved Fluid Distribution"
Andrea S. Wulz et al.
Docket #16,897

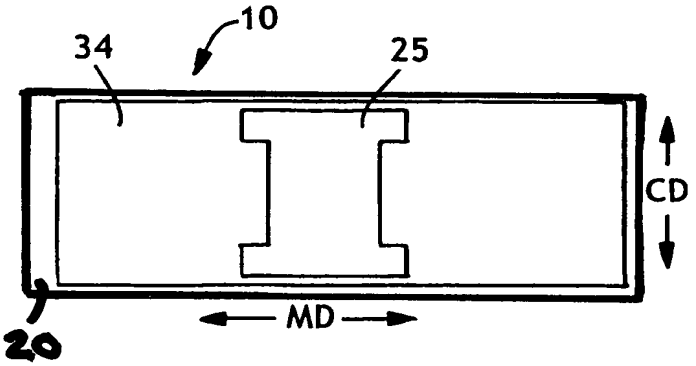


FIG. 5

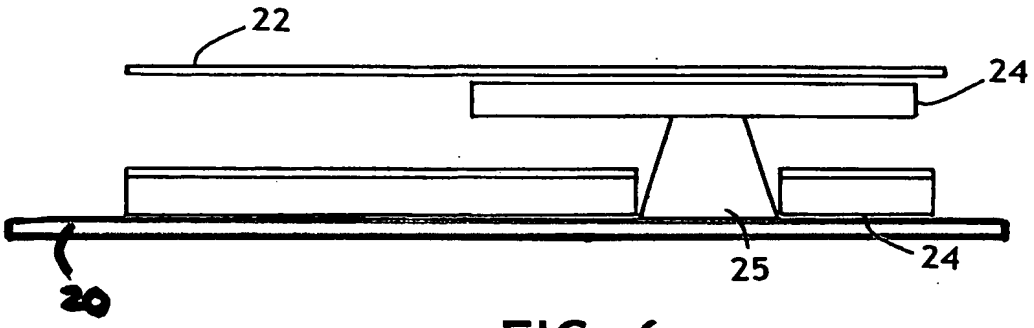


FIG. 6

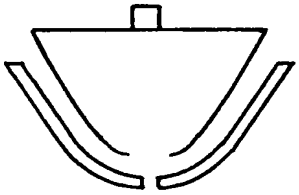


FIG. 7